

REMARKS

Specification

In the specification, the abstract has been replaced. Therefore, Applicant respectfully requests withdrawal of the objection to the specification.

Summary

Claims 1-19 stand in this application. Claims 1 and 13 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1 and 13 in order to facilitate prosecution on the merits. Applicant submits that the amendments merely clarify, either expressly or impliedly, what was already present in the claims.

35 U.S.C. § 112

Claims 1-9 and 13-14 have been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Applicant respectfully traverses the rejection based on the above amendments. These claims have been amended in accordance with the Office Action, and removal of this rejection is respectfully requested. Applicant further submits that the above amendments are made to overcome a § 112 rejection and are not made to overcome the cited references.

35 U.S.C. § 102

At page 6, paragraph 5 of the Office Action claims 1-2, 7-9, 15-16 and 18 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Number (USPN) 6,904,057 to Sarkinen (“Sarkinen”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that Sarkinen fails to teach each and every element recited in claims 1-2, 7-9, 15-16 and 18 and thus they define over Sarkinen. For example, with respect to claim 1, Sarkinen fails to teach, among other things, the following language:

reconfigure a set of hardware elements to parse said frame.

According to the Office Action, this language is disclosed by Sarkinen at Figures 3 and 7 and the accompanying text. Applicant respectfully disagrees.

Applicant respectfully submits that claim 1 defines over Sarkinen. According to the Office Action on page 6, “hardware elements must be reconfigured in order to provide multi-stage parsing of the incoming frame 314 is provided.” Applicant respectfully disagrees. Applicant respectfully submits that Sarkinen, arguably, teaches a parsing engine to provide parsing of an incoming frame according to parsing instructions and executing macros for performing the parsing functions. (*See* Sarkinen, step 718, Fig. 7). Furthermore, Sarkinen arguably teaches processing an incoming frame to generate parsing instructions, interpreting the instructions, executing macros for performing the parsing functions, generating extraction instructions, using the extraction instructions to

produce search queries and applying the search queries against a memory to produce search results. It appears, however, that these operations are strictly limited to software-based operations. By way of contrast, the claimed subject matter teaches “reconfigure a set of hardware elements to parse said frame.” Applicant respectfully submits that this is different than the above recited teaching of Sarkinen. Applicant respectfully submits that he has been unable to locate, in the cited portions of Sarkinen, any teaching, suggest or motivation directed to a parsing module to “reconfigure a set of hardware elements to parse said frame” as recited in claim 1. Consequently, Sarkinen fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2 and 7-9, which depend from claim 1 and, therefore, contain additional features that further distinguish these claims from Sarkinen.

Claim 15 recites features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claim 15 is not anticipated and is patentable over Sarkinen for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 15. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 16 and 18 that depend from claim 15, and therefore contain additional features that further distinguish these claims from Sarkinen.

At page 4, paragraph 4 of the Office Action claims 1-4, 15-17 and 19 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Publication

Number 2003/0185220 to Valenci (“Valenci”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that the teaching of claims 1-4, 15-17 and 19 is different than the teaching Valenci. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 1-4, 15-17 and 19.

35 U.S.C. § 103

At page 9, paragraph 7 of the Office Action claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 2003/0185220 to Valenci (“Valenci”) in view of US 7,130,987 to Sikdar (“Sikdar”). At page 9, paragraph 8 of the Office Action claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable EP 0 852 448 to Korpela (“Korpela”) in view of Valenci. At page 11, paragraph 9 of the Office Action claims 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Korpela in view of Valenci and further in view of US 7,184,722 to Johnson (“Johnson”). Applicant respectfully traverses the rejections, and requests reconsideration and withdrawal of the obviousness rejections.

Applicant respectfully submits that Valenci is disqualified prior art against the claimed invention because the subject matter of Valenci and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same person or organization. *See MPEP 706.02(l)(1)*. Applicant respectfully submits that it is clear from the assignment records that both the present application and Valenci are commonly assigned. Therefore, Valenci is disqualified prior art and can not be used in a 35 U.S.C. § 103(a) rejection against the current claims.

Applicant respectfully submits that Valenci is relied on by the Examiner, in part, to support the 35 U.S.C. § 103(a) rejections for each of the claims 5-6 and 10-14. Furthermore, Applicant respectfully submits that the remaining references fail to disclose all the elements or features of the claimed subject matter in view of the disqualification of Valenci. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 5-6 and 10-14.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-19 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Appl. No. 10/728,552
Response Dated August 30, 2007
Reply to Office Action of May 30, 2007

Docket No.: 1020.P17478
Examiner: Juntima, Nittaya
TC/A.U. 2616

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to deposit account 50-4238.

Respectfully submitted,

KACVINSKY LLC

/John F. Kacvinsky/

John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: August 30, 2007

KACVINSKY LLC
C/O Intelleivate
P.O. Box 52050
Minneapolis, MN 55402
(724) 933-5529